

STATE OF MICHIGAN

DEPARTMENT OF CONSUMER & INDUSTRY SERVICES

BEFORE THE STATE BOUNDARY COMMISSION

In the matter of:

**Boundary Commission
Docket #02-AR-2**

**the proposed annexation of territory
in Grand Blanc Charter Township to the
City of Grand Blanc.**

**SUMMARY OF PROCEEDINGS
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

- A. On April 26, 2002, a petition was filed by the City of Grand Blanc, asking for the annexation of territory in Grand Blanc Township to the City of Grand Blanc. The territory petitioned for annexation is described in Attachment A.
- B. On September 12, 2002, the State Boundary Commission held an adjudicative meeting to determine the legal sufficiency of the petition. The petition was declared to be legally sufficient, pursuant to Public Act 191 of 1968, as amended, and Public Act 279 of 1909, as amended. A representative from the Township was not present. Subsequently, the Township Clerk informed the Commission that the Township did not receive notice of the Legal Sufficiency meeting.
- C. On Thursday October 10, 2002, the State Boundary Commission held an adjudicative meeting to determine the legal sufficiency of the petition. The petition was declared to be legally sufficient, pursuant to Public Act 191 of 1968, as amended, and Public Act 279 of 1909, as amended. The Township was represented by their attorney.
- D. On October 23, 2002, the State Boundary Commission held a public hearing in Grand Blanc to receive testimony given pursuant to Public Act 191 of 1968, as amended.
- E. On February 13, 2003, at an adjudicative meeting, State Boundary Commissioners VerBurg, Ishbia and Walker, and Genesee County Boundary Commissioners John West voted to postpone a decision for 60 days to provide additional time for the parties to negotiate an agreement.
- F. On May 15, 2003, at an adjudicative meeting, State Boundary Commissioners Ishbia and Walker, and Genesee County Boundary Commissioner Carl Mason voted to recommend that

the Director of the Department of Consumer & Industry Services approve the annexation as petitioned. Genesee County Boundary Commissioner John West voted no because he does not think this will adequately straighten the City boundary. Commissioner West made a motion to annex only the church property, but the motion failed. Chairman VerBurg did not vote, but stated that he felt there was no overwhelming reason to annex or deny the annexation of the property. He prefers to postpone making a decision to allow more time for the parties to come to an agreement.

- G. On June 19, 2003, at an adjudicative meeting, State Boundary Commissioners VerBurg, Walker, and Ishbia and Genesee County Commissioner Mason and West voted to approve the draft Findings of Fact and Conclusions of Law (as amended), and recommend that the Director of the Department of Consumer & Industry Services sign the Order approving the annexation.

FINDINGS OF FACT

1. The area proposed for annexation is vacant parkland, 80 acres out of a total 137 acres. The remainder of the park is currently in the City. In addition, there is .56 acres of a church parking lot. The remainder of the church property is in the City.
2. There are no tax revenues from the area proposed for annexation. There is no sewer or water.
3. The land was purchased by the Township and City from the Nature Conservancy for the purpose of a joint park in perpetuity. There is a joint parks and recreation commission including the City, the Township and the school district.
4. The City is requesting annexation to straighten the boundary pursuant to the Charter Township Act, MCL 42.34(2).
5. The Township would agree to annex the park to the city if the land were deeded to the township. The Township is concerned that Township residents might be barred from use of the park in the future. They stated that the only reason the City has the deed to the park, although it was purchased jointly, is because the Nature Conservancy would only deed the park to one governmental entity.
6. The City stated that the park was dedicated in perpetuity, by a Charter amendment, to remain parkland, and that no one would be barred from use of the park. The park is open and anyone may use the park. The City plans on maintaining trails through the park, which currently remains in a natural state.
7. The Township opposed the annexation because they were concerned that the City Charter could be changed in the future. The Township is opposed to maintaining trails in the park,

and wants it to remain a passive park.

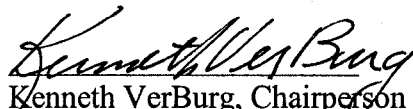
8. The Township stated that this annexation would not straighten the boundary because there are many areas where the boundary is not straight. The Township meets the exemption criteria in the Charter Township Act, MCL 42.34(1).
9. The City stated that they asked the Township what they want to have filed to protect the land as parkland in perpetuity. The City stated they would file it, but never got a response from the Township. City representatives indicated that they did not foresee the voters changing the city charter to revoke the status of the parkland.

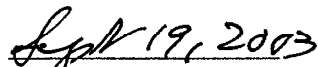
THE COMMISSION FINDS THAT

1. The proposed annexation would straighten the boundary in the area petitioned. Although the Township may meet the exemption criteria in the Charter Township Act, MCL 42.34 (1), the Commission does have authority over annexation pursuant to MCL 42.34(2).
2. The city has the capability to provide maintenance and police protection to the area proposed for annexation.
3. The annexation is not inconsistent with present adjacent or nearby land use patterns.
4. It is unfortunate that the City and Township were unable to work out an agreement, but it appears that they will not.

CONCLUSIONS OF LAW

The record of this docket, in accordance with the criteria stipulated under Section 9 of the Public Act 191 of 1968, as amended, supports the Commission's recommendation that the Director of the Department of Consumer & Industry Services sign the attached Order approving the subject annexation and adopting the Summary of Proceedings and Findings of Fact and Conclusions of Law.


Kenneth VerBurg, Chairperson
State Boundary Commission


Date

**STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
BEFORE THE STATE BOUNDARY COMMISSION**

In the matter of:

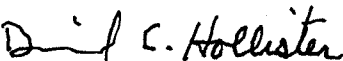
**Boundary Commission
Docket # 02-AR-2**

**The proposed annexation of territory
in Grand Blanc Township to the City of
Grand Blanc.**

FINAL ORDER

IT IS ORDERED THAT these Findings of Fact, Conclusions of Law and Order **approving the annexation of territory in Grand Blanc Township, described in Attachment A,** to the City of Grand Blanc shall be effective 30 days after the date the Director of the Department of Consumer & Industry Services signs the Order.

IT IS FURTHER ORDERED THAT the Manager of the State Boundary Commission shall transmit a certified copy of this Order and the attached Summary of Proceedings and Findings of Fact and Conclusions of Law to the Grand Blanc Township Clerk, the City of Grand Blanc Clerk, the Genesee County Clerk, and the Secretary of State.



David C. Hollister, Director
Michigan Department of Consumer & Industry Services

10-7-03

Date

ATTACHMENT A

Annexation by Council Resolution PART III

The territory proposed for annexation to the City of Grand Blanc is described as follows:

Part of Section 10, T6N-R7E, Township of Grand Blanc, Genesee County, Michigan, described as follows: Beginning at the Interior 1/4 Corner of said Section 10; thence Easterly, along the East and West 1/4 Line of Section 10, to the Northwest Corner of the East 1/2 of the Southeast 1/4 of said Section 10 and the City limits of Grand Blanc; thence Southerly, along the West Line of the East 1/2 of the Southeast 1/4 to the Southwest Corner of said East 1/2 of the Southeast 1/4; thence Westerly, along the South Line of said Section 10 and the City limits of Grand Blanc, to the Southerly Plat Line of the recorded plat of "Indian Hill Colony No. 2", as recorded in Plat Liber 36, Pages 46 and 47, Genesee County, Michigan records; thence N 54 55'30" E, along said Southerly Line and the City limits of Grand Blanc, to the Southeast Corner of said "Indian Hill Colony No. 2"; thence N 00 08'W, along the North and South 1/4 Line of said Section 10, a distance of 2448.41 feet to the place of beginning.

FILED
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STATE BOUNDARY COMMISSION